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International Covenant on Civil and Political Rights

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Human Rights Committee

# Concluding observations on the fourth periodic report of Guatemala*

1. The Human Rights Committee considered the fourth periodic report of Guatemala (CCPR/C/GTM/4) at its 3454th and 3455th meetings (see CCPR/C/SR.3454 and 3455), held on 12 and 13 March 2018. At its 3478th meeting, held on 28 March 2018, it adopted the following concluding observations.

## A. Introduction

2. The Committee is grateful to the State party for having accepted the new simplified procedure for the submission of reports and for having submitted its fourth periodic report in response to the list of issues prior to reporting (CCPR/C/GTM/QPR/4) under that procedure. It welcomes the opportunity to renew its constructive dialogue with the State party's delegation concerning the steps taken during the reporting period to implement the provisions of the Covenant. The Committee thanks the State party for the responses provided by the delegation orally and for the additional information that it has provided in writing.

## B. Positive aspects

3. The Committee welcomes the numerous legislative and institutional measures adopted by the State party during the reporting period in the area of civil and political rights, including the adoption of:

(a) Decree No. 31-2012 of 2012, by which it adopted the Anti-Corruption Act;

(b) The Public Policy on Countering Human Trafficking and on Comprehensive Victim Protection for the period 2014–2024;

(c) The National Policy on Crime and Violence Prevention, Public Safety and Civic Peace for the period 2014–2034, the associated national action plan and the National Strategy for the Prevention of Violence and Crime for the period 2017–2027;

(d) The National Policy on Prison Reform for the period 2014–2024;

(e) Decree No. 09-2016, which authorized the Immediate Search for Disappeared Women Act, and Decree No. 18-2016, which authorized the creation of posts in the Public Prosecutor's Office for prosecutors specializing in human trafficking offences and femicide;

* Approved by the Committee at its 122nd session (12 March–6 April 2018).

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(f) Decree No. 32-2016 of 2016, which approved the new Judicial Service Act, amended by Decree No. 17-2017, and Decree No. 18-2016 of 2016, which amended the Public Prosecution Service Act;

(g) The decisions of 11 February 2016 and 24 October 2017 of the Constitutional Court, which abrogated the application of the death penalty;

(h) Decree No. 7-2017 of 2017, which amended the Labour Code and granted disciplinary powers to the General Labour Inspectorate;

(i) Decree No. 8-2015 and Decree No. 13-2017, whereby the Civil Code was amended to raise the minimum age for marrying or entering into a union to 18 for women and men;

(j) The National Policy on Decent Employment for the period 2017–2032;

(k) The Guatemalan Recommendations Monitoring System for International Human Rights Protection (SIMOREG) and a commitment to fully implementing SIMOREG in 2018.

## C. Principal subjects of concern and recommendations

### Human Rights Advocate

4. The Committee is concerned about the intimidation of the Human Rights Advocate in the exercise of his duties, which led the Inter-American Commission on Human Rights to grant precautionary measures on his behalf in 2017. The Committee is further concerned that the budget of the Office of the Human Rights Advocate has not increased since 2014 and that the disbursement of budgetary allocations, which is to take place every four months, has been delayed in some cases (art. 2).

5. **The State party should support the mandate and independence of the Human Rights Advocate and ensure the effectiveness of the measures taken to provide protection for the Advocate pursuant to the precautionary measures that have been adopted. It should also intensify its efforts to ensure that the Office of the Human Rights Advocate receives the necessary resources and does so with sufficient lead time to enable it to perform its work effectively.**

### Discrimination and violence based on sexual orientation or gender identity

6. The Committee is concerned about the fact that the country has no law that specifically prohibits discrimination and hate crimes motivated by the victim's sexual orientation or gender identity and that protects transgender persons' right to legal recognition of their identity. It is also concerned about the increase in the number of murders of transgender women and about shortcomings in the recording and investigation of violent acts motivated by the victim's sexual orientation or gender identity. It also regrets the lack of consolidated data on investigations, prosecutions, judgments, penalties and reparation in cases involving violence and hate crimes directed against lesbian, gay, bisexual, transgender and intersex persons (arts. 2, 6, 7, 17 and 26).

7. **The State party should:**

(a) **Adopt legislation that prohibits discrimination motivated by the victim's sexual orientation or gender identity and that protects transgender persons' right to legal recognition of their identity;**

(b) **Adopt the necessary legislative means for adequately categorizing hate crimes motivated by the victim's sexual orientation or gender identity and systematically compile data on investigations, prosecutions, judgments, penalties and reparation in such cases;**

(c) **Adopt the necessary protocols for ensuring that (i) crimes motivated by the victim's sexual orientation or gender identity are systematically reported and investigated; (ii) perpetrators of such crimes are punished appropriately; and (iii)**

**victims have access to secure complaint mechanisms, to adequate protection and to full redress:**

(d) **Redouble its efforts to combat stereotypes and prejudice with regard to lesbian, gay, bisexual, transgender and intersex persons and to guarantee that acts of discrimination and violence directed against them are prevented.**

**Equality of rights for men and women, indigenous persons and persons of African descent**

8. While taking note of the increase in the number of women employed in the Public Prosecutor's Office and in decision-making positions, the Committee remains concerned about the fact that so few women hold seats in Congress or ministerial posts. The Committee is also concerned about the lack of information regarding the level of participation by indigenous persons and persons of African descent in public and political life. It is likewise concerned about reports regarding the low level of women's participation in economic activities, their segregation in the informal sector and the existence of a gender pay gap, especially in rural areas, despite the extensive awareness-raising campaigns that have been conducted. It is also concerned about the persistence of discriminatory practices in business enterprises, including pregnancy testing during the recruitment processes, and the lack of measures for penalizing persons who engage in sexual harassment (arts. 2, 3, 25 and 26).

9. **The State party should:**

(a) **Continue to strengthen institutions that protect the rights of women and of indigenous and Afro-descendent persons and to ensure that those institutions have adequate budgets;**

(b) **Take tangible steps to increase the representation of women, indigenous persons and persons of African descent in political and public life, and particularly in decision-making and other senior positions, including by means of temporary special measures, such as the establishment of quotas, and by ensuring that such measures are fully implemented;**

(c) **Take stronger measures to narrow the wage gap between men and women and to reduce the horizontal and vertical occupational segregation of women;**

(d) **Combat discriminatory practices in the workplace and punish persons who engage in sexual harassment.**

**Exploitation and inequalities in employment; child labour**

10. The Committee remains concerned about the lack of social and labour protection for workers in the textile maquila industry, agriculture and domestic service, which has a disproportionate impact on women and indigenous persons. While aware that legislative progress has been made and that labour inspections have been stepped up, the Committee remains concerned about the fact that the resources available to the General Labour Inspectorate are inadequate. It is also concerned about the inequalities associated with the special regime for workers in the domestic service sector, although it does take note of the existence of draft legislation that would improve conditions in this sector. The Committee is also concerned about the prevalence of child labour, especially in the case of indigenous children employed in agriculture and commerce, and about children's exposure to work-related and sexual exploitation (arts. 2, 3, 24 and 26).

11. **The State party should:**

(a) **Intensify its efforts to provide greater social and labour protection to workers in the textile maquila, agriculture and domestic service sectors and to bring the conditions and legal protection in those sectors up to the same level as those provided in other sectors of employment;**

(b) **Provide the General Labour Inspectorate with sufficient resources to ensure the effective implementation of labour laws;**

(c) **Redouble its efforts to combat child labour and exploitation through the programmes and institutions established for that purpose.**

**Violence against women, femicide and trafficking**

12. While acknowledging the determined institutional efforts made to expedite the criminal prosecution of perpetrators of violence against women, the Committee remains concerned about the escalation of this type of violence and particularly about the alarming number of femicides and the degree of cruelty demonstrated by the condition of the victims' bodies. The Committee is also concerned about the fact that there have been few prosecutions and convictions in cases of gender-based violence and human trafficking, despite the increase in the number of specialized courts. In addition, it is concerned by reports that insufficient resources are being allocated to existing institutions and about the failure to renew the National Plan for the Prevention and Eradication of Domestic Violence and Violence against Women (arts. 3, 6 and 7).

13. **The State party should intensify its efforts to prevent and combat violence against women by adopting a new plan for the prevention of domestic violence, by strengthening the institutions responsible for implementing the existing laws in this connection and by providing them with the necessary resources. The Committee reiterates its recommendation that: (a) the State party ensure that the topic of the need to eradicate violence against women is incorporated into its education programmes; and (b) strengthen the training from a gender perspective that is provided to police officers and to judicial, prison and health service personnel. It also recommends that the State party continue to expand the geographical coverage of its specialized courts with a view to prosecuting and punishing perpetrators of acts of gender-based violence and human trafficking. The State party should also see to it that victims receive full redress without delay by ensuring, inter alia, the implementation of its programme on redress for victims of sexual violence and by expanding and strengthening its network of support centres for women survivors of violence throughout the country.**

**Voluntary termination of pregnancy and reproductive rights**

14. The Committee welcomes the adoption of a protocol for therapeutic abortions that are necessary to save the life of the mother and the bill that seeks to decriminalize abortion in cases of rape of girls. However, the Committee remains concerned about the criminalization of abortion, since this gives rise to a large number of unsafe abortions and results in prosecutions and convictions leading to the imposition of excessive sentences of imprisonment. The Committee remains concerned about the lack of access to emergency contraception except in cases of rape and by reports of a lack of appropriate reproductive health services and a failure to fully implement the comprehensive sex education programme. It is also concerned by reports of the forced sterilization of women and girls with disabilities and the coercion of such women and girls to have abortions (arts. 2, 3, 6, 7, 17 and 26).

15. **The State party should:**

(a) **Amend its legislation to guarantee safe, legal and effective access to the voluntary termination of pregnancy when the life or health of the pregnant woman or girl is at risk or when carrying the pregnancy to term could cause the pregnant woman or girl substantial harm or suffering, especially in cases where the pregnancy is the result of rape or incest or when it is not viable;**

(b) **Ensure that women and girls who have recourse to abortion and the doctors who attend to them are not subject to criminal penalties, inasmuch as the existence of such penalties obliges women and girls to resort to unsafe abortions;**

(c) **Ensure unimpeded access to sexual and reproductive health services, emergency contraceptives and comprehensive sex education for men, women, boys and girls throughout the country;**

(d) **Ensure that the relevant personnel follow all the established procedures for obtaining the full and informed consent of persons with disabilities to undergo sterilization or abortions.**

**Human rights violations committed in the course of the internal armed conflict**

16. The Committee takes note with interest of the progress made in investigating serious human rights violations committed during the internal armed conflict, including the reopening of the Molina Theissen case, and in punishing the persons responsible. It takes note with regret, however, of the failure to comply with several rulings of the Inter-American Court of Human Rights in which it has ordered that past cases be investigated. It further notes that this failure is purportedly a consequence of the abuse of the right to file legal claims, in particular *amparo* applications, along with the absence of disciplinary procedures for dealing with malicious delays in the administration of justice and a lack of diligence on the part of the police in executing arrest warrants. It is also concerned about Bill No. 5377, which would introduce a general amnesty for crimes committed during the armed conflict. The Committee notes with concern that Bill No. 3590, on the establishment of a national commission to search for disappeared persons, has been pending since 2013 and has still not been passed into law. It also takes note with regret of the absence of measures for the creation of a single centralized registry of disappeared persons (arts. 2, 6, 7, 9, 14 and 16).

17. **The State party should:**

(a) **Process with all due speed all cases involving serious human rights violations in connection with the internal armed conflict, including all cases of alleged enforced disappearance, identify those responsible and ensure that they are prosecuted and punished with appropriate sanctions that are commensurate with the gravity of their crimes. The Committee reminds the State party that it may not relieve the perpetrators of acts of torture, arbitrary or extrajudicial killings or enforced disappearance from their personal responsibility by means of amnesties;**

(b) **Amend the Amparo Act with a view to countering abuses of the right to file such an appeal and adopt the necessary measures to deal with actions or omissions on the part of State officials that hinder legal proceedings;**

(c) **Expedite the legislative process and create, in an effective and rapid manner, a national search commission and a single centralized registry of disappeared persons;**

(d) **Establish a procedure whereby the families of disappeared persons may obtain a declaration of absence;**

(e) **Consider ratifying the International Convention for the Protection of All Persons from Enforced Disappearance.**

**National Compensation Programme**

18. The Committee is concerned about the fact that the budget of the National Compensation Programme has been reduced and that little has been done to implement the Programme. It is also concerned that, while a large number of applications for redress have been filed, very few have led to the issuance of reparation orders and that those measures of redress which have been instituted have not included truth-telling measures or guarantees of non-repetition. The Committee is also concerned about the obstacles that stand in the way of efforts to obtain collective redress owing to the lack of a suitable regulatory framework for such measures (art. 2).

19. **The Committee urges the State party to:**

(a) **Supply the National Compensation Programme with the necessary resources and with effective monitoring mechanisms to ensure that all victims of human rights violations committed during the internal armed conflict are promptly provided with full redress in a culturally and gender-sensitive manner;**

(b) **Ensure that practicable procedures are in place for the registration of victims;**

(c) **Adopt a regulatory framework for collective reparations with all due speed.**

**Prohibition of torture and ill-treatment**

20. The Committee remains concerned about the fact that the definition of the offence of torture contained in the Criminal Code is not in line with the Covenant and other international standards. The Committee is further concerned about the fact that few convictions for torture have been handed down, even though a large number of complaints of torture have been filed and numerous investigations undertaken. It is also concerned about the fact that complaints of police abuse that may amount to torture are addressed by means of disciplinary measures. The Committee is also concerned about the fact that the national torture prevention mechanism remains inoperative owing to the prolonged failure to appoint three of its members (arts. 2 and 7).

21. **The Committee urges the State party to:**

(a) **Amend its legislation in order to ensure that the definition of the crime of torture is fully compatible with the Covenant and accepted international standards;**

(b) **Ensure that all allegations of torture and other cruel, inhuman or degrading treatment or punishment are investigated; that the responsible parties are prosecuted and, if convicted, are punished appropriately; and that victims receive full redress;**

(c) **Ensure that an independent and transparent process is in place for the selection of the members of the national mechanism for the prevention of torture and take the necessary steps to ensure that the mechanism is operational.**

**Right to life and security of the person**

22. While noting that there has been a slight reduction in the number of violent deaths, the Committee remains concerned about shortcomings in the area of weapons control, the increase in the number of lynchings and the lack of information on investigations and prosecutions undertaken in this connection (arts. 6, 7, 9 and 14).

23. **The State party should:**

(a) **Amend the laws pertaining to the possession of arms in order to establish stricter limitations in that regard and develop a national disarmament plan;**

(b) **Develop and implement a policy for the prevention of lynchings in cooperation with municipal authorities;**

(c) **Intensify its efforts to investigate and punish those responsible for planning and perpetrating organized violence and lynchings.**

24. While welcoming the expansion of the police force and the State party's commitment to withdraw the army from public security assignments so that it may focus on border patrols, the Committee remains concerned about the lack of clear protocols on the limitations applying to military action in the realm of public security. The Committee also, while taking note of the legislative framework governing the activities of private security companies, remains concerned about the increase in the number of such companies, many of which are not yet subject to oversight, and complaints concerning the excessive use of force by military personnel and private security agents in areas where the population has expressed opposition to extractive and exploratory projects (arts. 2, 6, 7, 9 and 14).

25. **The Committee urges the State party to:**

(a) **Continue making progress in its effort to strengthen the national civil police force so that it can fully take over the public security functions in which the army takes part, thereby discontinuing the army's involvement in such tasks, save in**

**exceptional circumstances, for a limited period of time and under civilian control, in accordance with clear and previously established protocols;**

(b) **Ensure the effective enforcement of the Private Security Services Act by supplying the Directorate-General with the necessary resources to ensure the effective registration and control of private security companies and enforcing recruitment and training requirements;**

(c) **Ensure that allegations of the excessive use of force by military and private security personnel are investigated and that those responsible are prosecuted and punished;**

(d) **Train law enforcement and military personnel using a regulatory framework that is in line with the Covenant and the Basic Principles on the Use of Force and Firearms by Law Enforcement Officials.**

**Persons with disabilities**

26. The Committee is concerned that Decree No. 135-96 on the care of persons with disabilities is not in line with the Covenant and other international standards, although it takes note of Bill No. 5125, which would modify the relevant legislative framework. The Committee is further concerned at the fact that persons with disabilities are deprived of their right to vote when they are placed under legal guardianship and of their legal capacity when they are placed in an institution. It is also concerned about the institutionalization of persons with disabilities for an indefinite length of time, the failure to monitor mental health and social assistance institutions on a regular basis and the lack of alternative community-based services (arts. 2, 7, 9, 10, 25 and 26).

27. **The State party should:**

(a) **Expedite the adoption of Bill No. 5125 and ensure the effective implementation of the National Disability Policy;**

(b) **Review its legislation to ensure that it does not discriminate against persons with disabilities, particularly those with psychosocial, mental or intellectual disabilities, by denying them the right to vote on the basis of inordinate requirements or on grounds that have no reasonable or objective bearing on their ability to vote (art. 25);**

(c) **Define a strategy for the deinstitutionalization of persons with disabilities coupled with proper community support arrangements and sufficient resources;**

(d) **Establish a system for the regular monitoring of mental health, social welfare and social assistance institutions;**

(e) **Ensure that involuntary committal is a measure of last resort and is preceded by a comprehensive medical assessment for the purpose of determining what restrictions are strictly necessary and proportionate to the patient's individual circumstances and ensuring that they are applied for the shortest amount of time possible. The procedures used for involuntary committal should include initial and periodic judicial reviews and guarantees of an effective remedy.**

**Conditions of detention**

28. While taking note of the new prison management model, which is aimed at improving prison infrastructure, the Committee is concerned that official figures still place the percentage of overcrowding in the prison system, despite its significant reduction, at 245 per cent and notes that this has an impact in terms of the failure to separate detainees from convicts and the substandard nature of living conditions. The Committee is further concerned about the large percentage of prisoners who are being held in pretrial detention and the large number of violent deaths, extortion networks and riots and about the authorities' lack of effective control inside these centres (arts. 6, 7, 9 and 10).

29. **The State party should:**

(a) **Redouble its efforts to reduce overcrowding and, without prejudice to the efforts and the results achieved in the fight against impunity, especially in high-impact cases, to increase the use of non-custodial measures and ensure that pretrial detention is ordered only on an exceptional basis in cases where the individual circumstances make such a determination reasonable and necessary;**

(b) **Ensure that conditions in all the country's prisons are in compliance with the United Nations Standard Minimum Rules for the Treatment of Prisoners (Nelson Mandela Rules);**

(c) **Investigate and prosecute all cases of deaths that may have resulted from criminal acts, as well as cases of violence and corruption occurring within these facilities, and punish those responsible.**

**Judicial independence, autonomy of the public prosecution service and efforts to combat corruption**

30. The Committee regrets that, owing to the suspension of the constitutional reform process, the State party has not been able to strengthen the independence of the judiciary. In this regard, the Committee is concerned about the fact that judges of first instance, justices of the peace and magistrates have a limited five-year mandate. It is also concerned about the politicization of the system for the selection and appointment of high-level judicial and prosecution authorities and the lack of separation between the judicial and administrative functions of the Supreme Court. While the Committee commends the Public Prosecutor's Office and the International Commission against Impunity in Guatemala (CICIG) on the progress they have made in combating corruption, it remains concerned about political decisions that may hamper further progress, such as the attempt made by the President of the Republic to have the CICIG Commissioner, Ivan Velázquez, declared persona non grata. The Committee is further concerned that the selection of a new Attorney General and the Comptroller General by the corresponding nominating committees may be subject to political interference. Furthermore, the Committee is concerned about reports of frequent attempts at outside interference in judicial decisions, the initiation of allegedly baseless disciplinary proceedings against justice officials and the spurious complaints, threats and attacks directed at judges, prosecutors, victims and witnesses involved in high-impact cases (arts. 14 and 25).

31. **The State party should:**

(a) **Place priority on the adoption of constitutional and legislative reforms to ensure the security of tenure of judges and magistrates and to ensure that the administrative functions of the Supreme Court are carried out by an independent and impartial body;**

(b) **Ensure that the selection and appointment of magistrates, judges and prosecutors, as well as of the Attorney General and the Comptroller General, are based entirely on the use of objective, transparent criteria for the assessment of candidates' merits in terms of their qualifications, competence and integrity;**

(c) **Develop a protocol for the protection of justice officials and persons involved in judicial proceedings, strengthen the witness protection programme and uphold the independence of judicial officials in their deliberations, determinations and work;**

(d) **Amend the law on preliminary misconduct proceedings (*Ley en Materia de Antejuicio*) in order to clarify its scope;**

(e) **Strengthen support for the International Commission against Impunity in Guatemala and for the Attorney General's Office and ensure that they remain independent so that they can effectively combat corruption and impunity.**

**Protection of children in State custody**

32. The Committee is concerned about the fact that the situation of overcrowding, unsanitary conditions and violence in the country's four centres for adolescents in conflict with the law is such that it has led the Inter-American Commission on Human Rights to request precautionary measures. The Committee is also concerned about the large number of children living in substandard conditions in care institutions and is especially concerned at the fact that a fire at the Virgen de la Asunción Safe Children's Home resulted in the death of 41 girls who had been locked up in a classroom. The Committee notes with concern the delay in the legal proceedings relating to this incident (arts. 7, 9, 10, 14 and 24).

33. **The State party should:**

(a) **Continue to work on developing a public policy designed to avoid the placement of children in institutions and encourage their placement in alternative family-based settings;**

(b) **Establish by law that measures involving the separation of a child from his or her family for purposes of protection, detention or imprisonment are to be applied only on an exceptional basis and for the shortest possible amount of time and establish guarantees for the regular review of such measures;**

(c) **Intensify its efforts to improve the living conditions in care institutions and detention centres for adolescents, carry out regular inspections and promote socio-educational programmes;**

(d) **Intensify its investigative efforts to determine what occurred in the Virgen de la Asunción Safe Children's Home, determine who the responsible parties are and provide full redress for victims and their families.**

**Child birth registration**

34. The efforts of the State party in this connection notwithstanding, the Committee is concerned about the percentage of children whose births have not been registered, particularly in rural areas, and about reports that the National Registry Office is continuing to request that parents pay a municipal tax in order to have a birth registered, despite the Constitutional Court's ruling of 2015 eliminating this tax (arts. 16 and 24).

35. **The State party should continue its efforts to identify children whose births have not been registered, especially in rural areas, and ensure that those births are registered with retroactive effect, requiring that the exemption from the payment of the municipal tax be observed. It should also continue to conduct campaigns to raise awareness about the importance of birth registration.**

**Freedom of expression, assembly and association**

36. While taking note of the ongoing process to develop a public policy for the protection of human rights defenders, the Committee notes with concern that the process still has not been completed. It also remains gravely concerned at the increase in acts of violence, intimidation, stigmatization and murders of human rights defenders, journalists and trade unionists against a backdrop of widespread impunity. It is also concerned about the abusive use of criminal proceedings directed against defenders, journalists and, in particular, indigenous leaders who are defending their land and natural resources. The Committee is further concerned about draft legislation relating to terrorist acts, public order and non-governmental organizations that would restrict freedom of expression, assembly and association by defining criminal conduct in vague terms, among other reasons (arts. 6, 7, 19, 21 and 22).

37. **The Committee urges the State party to:**

(a) **Adopt and implement, without delay, an effective public policy for the protection of human rights defenders, journalists and trade unionists and publicly acknowledge, and raise public awareness about, the legitimacy of their activities;**

**(b) Provide existing agencies with the necessary resources to improve the State's analysis of attacks on human rights defenders, journalists and trade unionists and the State's response to those attacks;**

**(c) Intensify its efforts to ensure that all such attacks are investigated, that the perpetrators are brought to justice and that victims receive full redress;**

**(d) Ensure that due process guarantees are upheld in cases in which criminal charges are brought against human rights defenders;**

**(e) Ensure that any restriction on the right to freedom of opinion and expression and the right to freedom of assembly and association fully meets the strict requirements set out in articles 19 (3), 21 and 22 (2) of the Covenant.**

**Rights of indigenous peoples**

38. The Committee takes note of the adoption of a methodological guide on consultations with indigenous peoples and the various bills that have been put forward regarding the consultation process, but is concerned about the lack of participation by indigenous peoples in the development of those initiatives. The Committee is also concerned about the granting of exploration and resource development permits for activities in indigenous peoples' territories without those peoples having been consulted and without taking into account the results of the consultations convened by those communities themselves. The Committee is further concerned about violent forced evictions of indigenous communities and the excessive use of states of emergency as a social control mechanism. The Committee wishes to express its concern about the absence of a regulatory framework that would afford recognition to community radio stations and finds it regrettable that the operators of those radio stations are subject to criminal prosecution (arts. 2, 4, 19, 25, 26 and 27).

39. **The State party should:**

**(a) Ensure that meaningful consultations are held with the indigenous peoples concerned with a view to obtaining their free and informed prior consent before the adoption or application of any measure that may have a substantial impact on their way of life and culture and ensure that indigenous peoples are consulted prior to the adoption of any regulatory instrument relating to such consultations;**

**(b) Amend the laws that impede the exercise of this right and, in the interim, recognize the community consultations convened in accordance with the rules of the Municipal Code while ensuring that they are conducted in full conformity with the Covenant;**

**(c) Ensure that forced evictions not in line with international standards are not carried out;**

**(d) Ensure that the application of states of emergency strictly adheres to the conditions set out in article 4 of the Covenant;**

**(e) Assign access and frequencies to public, commercial and community radio broadcasters on an equitable basis, accord legal recognition to the community broadcasting sector so that indigenous peoples are able to express themselves in their own languages and promote their cultures, and refrain from imposing criminal penalties on unauthorized broadcasters.**

## D. Dissemination and follow-up

40. **The State party should widely disseminate the Covenant and its two Optional Protocols, the State party's fourth periodic report and the present concluding observations with a view to raising awareness of the rights enshrined in the Covenant among the judicial, legislative and administrative authorities, civil society, the non-governmental organizations operating in the country and the general public, including members of indigenous peoples.**

**41. In accordance with rule 71 (5) of the Committee's rules of procedure, the State party is requested to provide relevant information, by 6 April 2020, on its implementation of the recommendations made by the Committee in paragraphs 31 (Judicial independence, autonomy of the public prosecution service and efforts to combat corruption), 37 (Freedom of expression, assembly and association) and 39 (Rights of indigenous peoples).**

**42. The Committee requests the State party to submit its next periodic report by 6 April 2023. As the State party has agreed to use the simplified procedure for submitting reports, the Committee will in due course transmit to it a list of issues before the submission of the report. The State party's replies to the list of issues will constitute its fifth periodic report. In accordance with General Assembly resolution 68/268, the word limit for the report is 21,200 words.**